

### Public Service Commission State of North Dakota

SEP 29 2010

FCC Mail Room

COMMISSIONERS

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September 24, 2010

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Marlene H. Dortch Office of the Secretary Federal Communications Commission 445 12<sup>th</sup> St SW Room TW – A306 Washington DC 20554

Karen Majcher, Vice President High Cost & Low Income Division Universal Service Administrative Company 2000 L St NW Ste 200 Washington DC 20036

RE: Certification of Support for Rural and Non-Rural High- Cost Carriers Pursuant to 47 C.F.R. Sections 54.314; CC Docket No. 96-45 and 00-256

Dear Ms. Dortch and Ms. Majcher:

Attached is a list of rural carriers that have accounted to the North Dakota Public Service Commission by Affidavit that all federal support they will receive in 2011 will be used only for the provision, maintenance, and upgrading of facilities and services for which the support is intended, consistent with section 254 (e) of the Communications Act of 1934, as amended.

Also attached is a copy of the September 22, 2010 Order of the North Dakota Public Service Commission and the affidavits from the companies listed.

Sincerely,

Patrick Fahn, Director

Compliance and Competitive Markets

ND Public Service Commission

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#### STATE OF NORTH DAKOTA

#### **PUBLIC SERVICE COMMISSION**

Public Service Commission USF Use Certification 47 CFR 54.314 (2011) Compliance Case No. PU-10-476

#### ORDER CERTIFYING USE OF FEDERAL UNIVERSAL SERVICES SUPPORT

#### September 22, 2010

Section 254(e) of the Telecommunications Act of 1996 (Act) requires telecommunications carriers to use universal service support "only for the provision, maintenance, and upgrading of facilities and services for which support is intended." On May 23, 2001, the Federal Communications Commission (FCC) released its Fourteenth Report and Order, Twenty-Second Order on Reconsideration, and Further Notice of Proposed Rulemaking in CC Docket No. 96-45, and Report and Order in CC Docket No. 00-256 (Fourteenth R&O). The Fourteenth R&O requires that each state public utility regulatory authority file an annual certification with the FCC to ensure that rural telecommunications carriers receiving federal funds under the program use the support only as provided in Section 254(e) of the Act. State certification must be filed no later than October 1 of each year in order for certified telecommunications carriers to receive support for the following year, 47 C.F.R. § 54.314(d).

On August 28, 2002, the North Dakota Public Service Commission (NDPSC) issued an order in Case No. PU-439-02-441 indicating that any telecommunications carrier providing local exchange service in North Dakota that desires to have NDPSC certification to the FCC under 47 C.F.R. §§54.313 or 54.314 shall file an affidavit with the NDPSC by September 14 of each year, as described in the order, certifying that federal support they receive is used only for the provision, maintenance, and upgrading of facilities and services for which the support is intended as required by Section 254(e). The NDPSC further ordered that affidavits filed with the NDPSC will be the basis for the NDPSC's certification to the FCC.

Affidavits regarding use of federal universal service support for the year 2011 were filed with the NDPSC by the companies listed in the ordering clause below.

Under North Dakota law, the NDPSC has limited jurisdiction over rural telecommunications carriers. The FCC in its order recognized that some states have only limited regulatory oversight to ensure that federal universal support is reflected in intrastate rates and concluded that such states may nonetheless certify to the FCC that carriers in the state had accounted to the state commission for receipt of federal support, and that the support will be used as required under Section 254(e). (See Fourteenth R&O at ¶ 188). The FCC also recognized that some carriers may not be

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subject to the jurisdiction of a state regulatory authority, and in those instances carriers can certify directly to the FCC by means of a sworn affidavit executed by a corporate officer attesting to the use of the support only for purposes permitted under the Act. (See Fourteenth R&O at ¶ 189).

Based on the foregoing, the NDPSC issues the following:

#### Order

#### The NDPSC orders:

The NDPSC certifies that the following Eligible Telecommunications Carriers 1. providing local exchange service in North Dakota have accounted to the NDPSC by affidavit that all federal support they receive is used only for the provision, maintenance, and upgrading of facilities and services for which the support is intended as required by Section 254(e), or that they will only use the support they receive during the four quarters of 2011 (and all quarters thereafter) for the provision, maintenance, and upgrading of facilities and services for which the support is intended under and consistent with Section 254(e) of the Act and 47 C.F.R. § 54.101 throughout each respective company's study area:

#### LIST OF COMPANIES

Absaraka Co-operative Telephone Company, Inc. Badlands Cellular of North Dakota Limited **Partnership** 

**BEK Communications Cooperative** Bismarck MSA Limited Partnership

Citizens Telecommunications Company of Minnesota, LLC

Consolidated Telcom

Dakota Central Telecom I

**Dakota Central Telecommunications** Cooperative

Dickey Rural Access, Inc.

Dickey Rural Communications Inc.

Dickey Rural Telephone Cooperative Griggs County Telephone Company

Halstad Telephone Company

Inter-Community Telephone Company, LLC

James Valley Telecommunications

Loretel Systems, Inc.

Midcontinent Communications

Mid-Rivers Telephone Cooperative Inc.

Midstate Communications Inc. Midstate Telephone Company

Missouri Valley Communications, Inc.

North Central RSA 2 of North Dakota Limited Partnership

North Dakota 5 - Kidder Limited Partnership

North Dakota Network Co.

North Dakota RSA 3 of North Dakota Limited Partnership

North Dakota Telephone Company

Northwest Communications Cooperative, a Cooperative Association

Northwest Dakota Cellular of North Dakota **Limited Partnership** 

Polar Communications Mutual Aid

Corporation

Polar Telcom, Inc.

RC Communications, Inc.

Red River Rural Telephone Association Reservation Telephone Cooperative

Roberts County Telephone Cooperative Association

Sagebrush Cellular, Inc.

SRT Communications, Inc.

Turtle Mountain Communications, Inc. United Telephone Mutual Aid Corporation Venture Communications Cooperative

West River Cooperative Telephone Company

Moore & Liberty Telephone Company Nemont Telephone Cooperative Inc.

West River Telecommunications Cooperative Wolverton Telephone Company

- 2. The NDPSC certification is based upon the affidavits filed by the foregoing named Eligible Telecommunications Carriers.
- 3. The North Dakota Public Service Commission will send a copy of each of the filed affidavits to the Federal Communications Commission and the Universal Service Administrative Company.

**PUBLIC SERVICE COMMISSION** 

Tony Clark

Commissioner

Kevin Cramer Chairman Brian P. Kalk Commissioner

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Turtle Mountain Communications, Inc.  United Telephone Mutual Aid Corporation  Venture Communications Cooperative  West River Cooperative Telephone Company  West River Telecommunications Cooperative  Rural  Rural  Rural	Sagebrush Cellular, Inc.	Rural	389013
United Telephone Mutual Aid Corporation Rural 381636  Venture Communications Cooperative Rural  West River Cooperative Telephone Company Rural 381637  West River Telecommunications Cooperative Rural	SRT Communications, Inc.	Rural	383303
Venture Communications CooperativeRuralWest River Cooperative Telephone CompanyRuralWest River Telecommunications CooperativeRural	Turtle Mountain Communications, Inc.	Rural	
West River Cooperative Telephone Company Rural 381637 West River Telecommunications Cooperative Rural	United Telephone Mutual Aid Corporation	Rural	381636
West River Telecommunications Cooperative Rural	Venture Communications Cooperative	Rural	
·			381637
Wolverton Telephone Company Rural 381509	•		
	Wolverton Telephone Company	Rural	381509



#### ATTORNEYS AT LAW

314 EAST THAYER AVENUE • P.O. BOX 400 • BISMARCK, ND 58502 TELEPHONE (701) 223-2890 • FAX (701) 223-7865 • www.peorce-durick.com

PATRICK W. DURICK pwd@pearce-durick.com

RECEIVED

July 15, 2010

JUL 15 2010

#### HAND DELIVERED

**PUBLIC SERVICE COMMISSION** 

Darrell Nitschke
Executive Director
North Dakota Public Service Commission
Capitol
600 East Boulevard, Twelfth Floor
Bismarck, North Dakota 58505

Re: Midcontinent Communications

**ETC Certification** 

Dear Mr. Nitschke:

Enclosed for filing is Midcontinent's annual Eligible Telecommunications Carrier certification filing as required by § 69-09-05-12.1, N.D. Administrative Code.

This document is also being transmitted electronically to your office. Also enclosed is an extra copy of the Filing to be filed stamped and returned in the self-addressed, stamped envelope.

Thank you for your attention to this matter.

If you have any questions, please do not hesitate to contact our office.

Sincerely,

Payrick W. Durick

Counsel to Midcontinent Communications

PWD/ak Enclosures

cc: Mary Lohnes

1 PU-10-476 Filed: 7/15/2010 Pages: 2 Certification of use of Federal Universal Services Support

Midcontinent Communications

Patrick Durick, Pearce & Durick

State of Minnesota )
)ss
County of Hennepin )

#### **AFFIDAVIT**

As an officer of Midcontinent Communications, I, Steven E. Grosser hereby affirm familiarity with and an understanding of the requirements of the Federal Communications Act of 1934 as amended by the Telecommunications Act of 1996 with respect to the receipt of any federal universal service funds received as high-cost loop support, local switching support, safety net additive support, and/or safety valve support and hereby affirm that any such support amounts received by Midcontinent Communications will be used only for the provision, maintenance, and upgrading of facilities and services for which the support is intended consistent with 47 N.S.C. §254/e).

Steven E. Grosser
Chief Financial Officer
Midcontinent Communications

Subscribed and sworn to before me this

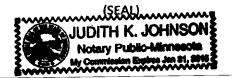
ay or Secretary 2010

Motary Public

**Notary Print Name:** 

My Commission Expires:

1/3/12015





August 3, 2010

### RECEIVED

AUG 94 2010

Andrew M. Carlson 612.977.8242 acarlson@briggs.com

#### **VIA FEDERAL EXPRESS**

**PUBLIC SERVICE COMMISSION** 

Executive Secretary
North Dakota Public Service Commission
600 East Boulevard – Dept. 408
Bismarck, ND 58505-0480

Re:

Annual 47 C.F.R. §§ 54.313 and 54.314 Certification of Northwest Dakota

Cellular of North Dakota Limited Partnership

Dear Sir or Madam:

Enclosed for filing please find the Annual 47 C.F.R. §§ 54.313 and 54.314 Certification of Northwest Dakota Cellular of North Dakota Limited Partnership, filed consistent with the Commission's August 28, 2002 Order in Case No. PU-439-02-441 and the August 2, 2010 reminder letter from Patrick Fahn. The Certification consists of a sworn affidavit, executed by a corporate officer, certifying that the high-cost federal universal service support the Company will receive will be used only for the provision, maintenance and upgrading of facilities and services for which the support is intended.

An original, plus eight copies, of the Certification are enclosed. Please file-stamp one of the copies and return it to me in the enclosed self-addressed stamped envelope. Please contact me immediately if there are any questions about this filing.

Sincerely,

Andrew M. Carlson

auch M. Care

AMC/sjc Enclosures

3 PU-10-476 Filed: 8/4/2010 Pages: 3
Certification of use of Federal Universal Services
Support

Northwest Dakota Cellular of North Dakota Limited Partnership

Andrew Carlson

### AND BEFORE THE FEDERAL COMMUNICATIONS COMMISSION IN DOCKET NO. 96-45

#### **AFFIDAVIT OF**

NORTHWEST DAKOTA CELLULAR OF NORTH DAKOTA LIMITED PARTNERSHIP REGARDING CERTIFICATION OF USE OF FEDERAL UNIVERSAL SERVICE SUPPORT

- 1. Affiant is the corporate officer responsible for certifying the use of high-cost federal universal service support (hereinafter "Support") by Northwest Dakota Cellular of North Dakota Limited Partnership (hereinafter "Company").
- 2. The Company is an eligible telecommunications carrier within the meaning of Section 214(e) of the Federal Telecommunications Act of 1996 (hereinafter "Act"), and the Company is eligible to receive federal Support pursuant to Section 254(e) of the Act. By Order dated February 25, 2004, in Case No. PU-1226-03-597, the North Dakota Public Service Commission (hereinafter "NDPSC") designated the Company as an eligible telecommunications carrier. The Universal Service Administrative Company ("USAC") has assigned study area code ("SAC") 389007 to the Company.
- 3. Affiant is personally familiar with all of the Support to be received by the Company, and with how the Company will use all of the Support that it receives.
- 4. The Company is filing this affidavit in compliance with the Order of the Federal Communications Commission (hereinafter "FCC") dated May 23, 2001, in Docket No. 96-45 (FCC 01-157) (hereinafter "Order"), as codified in 47 C.F.R. §§ 54.313 and 54.314, which require certification to the FCC and USAC that all federal Support will be used by carriers within each state only for the provision, maintenance, and upgrading of facilities and services within which the support is intended, as required by Section 254(e) of the Act and 47 C.F.R. § 54.7. The Company is also filing this affidavit in compliance with the NDPSC's Orders concerning certification as to the use of federal Support, including the NDPSC's August 28, 2002 Order in Case No. PU-439-02-441. This affidavit is filed to facilitate the Company's receipt of federal Support for all four quarters of 2011.
- 5. The Company hereby certifies that the federal Support it receives will be used only for the provision, maintenance, and upgrading of facilities and services for which the Support is intended, pursuant to and consistent with Section 254(e) of the Act and 47 C.F.R. § 54.7. The Company will also use the Support to provide the following services or functionalities, as described in 47 C.F.R. § 54.101(a)(1)-(9), throughout the Company's designated areas: (a) voice-grade access to the public switched telephone network; (b) local

By Albert Grosz

President, Northwest Dakota Cellular, Inc., general partner of Northwest Dakota Cellular of North Dakota Limited Partnership

State of North Dakota )

County of Marcer )

On this 5th day of \_\_\_\_\_\_, 2010, before me, a Notary Public in and for said County and State, personally appeared Albert Grosz, President, Northwest Dakota Cellular, Inc., general partner of Northwest Dakota Cellular of North Dakota Limited Partnership.

Notary Public

My Commission expires

JANE SCHRAMM Notary Public State of North Dakota My Commission Expires Sept. 6, 2012



August 3, 2010

### RECEIVED

Andrew M. Carlson 612.977.8242 acarlson@briggs.com

AUG = 4 2010

#### **VIA FEDERAL EXPRESS**

**PUBLIC SERVICE COMMISSION** 

Executive Secretary
North Dakota Public Service Commission
600 East Boulevard – Dept. 408
Bismarck, ND 58505-0480

Re: Annual 47 C.F.R. §§ 54.313 and 54.314 Certification of Bismarck MSA Limited Partnership

Dear Sir or Madam:

Enclosed for filing please find the Annual 47 C.F.R. §§ 54.313 and 54.314 Certification of Bismarck MSA Limited Partnership, filed consistent with the Commission's August 28, 2002 Order in Case No. PU-439-02-441 and the August 2, 2010 reminder letter from Patrick Fahn. The Certification consists of a sworn affidavit, executed by a corporate officer, certifying that the high-cost federal universal service support the Company will receive will be used only for the provision, maintenance and upgrading of facilities and services for which the support is intended.

An original, plus eight copies, of the Certification are enclosed. Please file-stamp one of the copies and return it to me in the enclosed self-addressed stamped envelope. Please contact me immediately if there are any questions about this filing.

Sincerely, Auch M. Curre

Andrew M. Carlson

AMC/sjc Enclosures

4 PU-10-476 Filed: 8/4/2010 Pages: 3
Certification of use of Federal Universal Services
Support

Bismarck MSA Limited Partnership

Andrew Cartson, Briggs & Morgan

# AND BEFORE THE FEDERAL COMMUNICATIONS COMMISSION IN DOCKET NO. 96-45

# AFFIDAVIT OF BISMARCK MSA LIMITED PARTNERSHIP REGARDING CERTIFICATION OF USE OF FEDERAL UNIVERSAL SERVICE SUPPORT

- 1. Affiant is the corporate officer responsible for certifying the use of high-cost federal universal service support (hereinafter "Support") by Bismarck MSA Limited Partnership (hereinafter "Company").
- 2. The Company is an eligible telecommunications carrier within the meaning of Section 214(e) of the Federal Telecommunications Act of 1996 (hereinafter "Act"), and the Company is eligible to receive federal Support pursuant to Section 254(e) of the Act. By Order dated February 25, 2004, in Case No. PU-494-03-602, the North Dakota Public Service Commission (hereinafter "NDPSC") designated the Company as an eligible telecommunications carrier. The Universal Service Administrative Company ("USAC") has assigned study area code ("SAC") 389005 to the Company.
- 3. Affiant is personally familiar with all of the Support to be received by the Company, and with how the Company will use all of the Support that it receives.
- 4. The Company is filing this affidavit in compliance with the Order of the Federal Communications Commission (hereinafter "FCC") dated May 23, 2001, in Docket No. 96-45 (FCC 01-157) (hereinafter "Order"), as codified in 47 C.F.R. §§ 54.313 and 54.314, which require certification to the FCC and USAC that all federal Support will be used by carriers within each state only for the provision, maintenance, and upgrading of facilities and services within which the support is intended, as required by Section 254(e) of the Act and 47 C.F.R. § 54.7. The Company is also filing this affidavit in compliance with the NDPSC's Orders concerning certification as to the use of federal Support, including the NDPSC's August 28, 2002 Order in Case No. PU-439-02-441. This affidavit is filed to facilitate the Company's receipt of federal Support for all four quarters of 2011.
- 5. The Company hereby certifies that the federal Support it receives will be used only for the provision, maintenance, and upgrading of facilities and services for which the Support is intended, pursuant to and consistent with Section 254(e) of the Act and 47 C.F.R. § 54.7. The Company will also use the Support to provide the following services or functionalities, as described in 47 C.F.R. § 54.101(a)(1)-(9), throughout the Company's designated areas: (a) voice-grade access to the public switched telephone network; (b) local

usage; (c) dual-tone multi-frequency signaling or its functional equivalent; (d) single-party service or its functional equivalent); (e) access to emergency services; (f) access to operator services; (g) access to interexchange service; (h) access to directory assistance; and (i) toll limitation for qualifying low-income consumers.

Dated this 14 day of July, 2010.

Bismarck MSA Limited Partnership

General Partner. Bismarck MSA Limited

Partnership

State of Georgia

On this // day of \_\_\_\_\_\_, 2010, before me, a Notary Public in and for said County and State, personally appeared Mark R. Smith, General Partner, Bismarck MSA Limited

Partnership.

My Commission expires

NOTARY PUBLIC FULTON COUNTY, GEORGIA MY COMMISSION EXPIRES



August 3, 2010

### RECEIVED

Andrew M. Carlson 612.977.8242 acarlson@briggs.com

AUG 4 2010

#### **VIA FEDERAL EXPRESS**

#### **PUBLIC SERVICE COMMISSION**

Executive Secretary
North Dakota Public Service Commission
600 East Boulevard – Dept. 408
Bismarck, ND 58505-0480

Re: Annual 47 C.F.R. §§ 54.313 and 54.314 Certification of North Dakota RSA

No. 3 Limited Partnership

Dear Sir or Madam:

Enclosed for filing please find the Annual 47 C.F.R. §§ 54.313 and 54.314 Certification of North Dakota RSA No. 3 Limited Partnership, filed consistent with the Commission's August 28, 2002 Order in Case No. PU-439-02-441 and the August 2, 2010 reminder letter from Patrick Fahn. The Certification consists of a sworn affidavit, executed by a corporate officer, certifying that the high-cost federal universal service support the Company will receive will be used only for the provision, maintenance and upgrading of facilities and services for which the support is intended.

An original, plus eight copies, of the Certification are enclosed. Please file-stamp one of the copies and return it to me in the enclosed self-addressed stamped envelope. Please contact me immediately if there are any questions about this filing.

Sincerely,

Andrew M. Carlson

ann M. Com

AMC/sjc Enclosures

5 PU-10-476 Filed: 8/4/2010 Pages: 3
Certification of use of Federal Universal Services
Support

North Dakota RSA No. 3 Limited Partnership

Andrew Cartson, Briggs & Morgan

Briggs and Morgan, Professional Association
Minneapolis | St. Paul | www.briggs.com
Member - Lex Mundi, a Global Association of Independent Law Firms

### AND BEFORE THE FEDERAL COMMUNICATIONS COMMISSION IN DOCKET NO. 96-45

# AFFIDAVIT OF NORTH DAKOTA RSA NO. 3 LIMITED PARTNERSHIP REGARDING CERTIFICATION OF USE OF FEDERAL UNIVERSAL SERVICE SUPPORT

- 1. Affiant is the corporate officer responsible for certifying the use of high-cost federal universal service support (hereinafter "Support") by North Dakota RSA No. 3 Limited Partnership (hereinafter "Company").
- 2. The Company is an eligible telecommunications carrier within the meaning of Section 214(e) of the Federal Telecommunications Act of 1996 (hereinafter "Act"), and the Company is eligible to receive federal Support pursuant to Section 254(e) of the Act. By Order dated February 25, 2004, in Case No. PU-897-03-599, the North Dakota Public Service Commission (hereinafter "NDPSC") designated the Company as an eligible telecommunications carrier. The Universal Service Administrative Company ("USAC") has assigned study area code ("SAC") 389008 to the Company.
- 3. Affiant is personally familiar with all of the Support to be received by the Company, and with how the Company will use all of the Support that it receives.
- 4. The Company is filing this affidavit in compliance with the Order of the Federal Communications Commission (hereinafter "FCC") dated May 23, 2001, in Docket No. 96-45 (FCC 01-157) (hereinafter "Order"), as codified in 47 C.F.R. §§ 54.313 and 54.314, which require certification to the FCC and USAC that all federal Support will be used by carriers within each state only for the provision, maintenance, and upgrading of facilities and services within which the support is intended, as required by Section 254(e) of the Act and 47 C.F.R. § 54.7. The Company is also filing this affidavit in compliance with the NDPSC's Orders concerning certification as to the use of federal Support, including the NDPSC's August 28, 2002 Order in Case No. PU-439-02-441. This affidavit is filed to facilitate the Company's receipt of federal Support for all four quarters of 2011.
- 5. The Company hereby certifies that the federal Support it receives will be used only for the provision, maintenance, and upgrading of facilities and services for which the Support is intended, pursuant to and consistent with Section 254(e) of the Act and 47 C.F.R. § 54.7. The Company will also use the Support to provide the following services or functionalities, as described in 47 C.F.R. § 54.101(a)(1)-(9), throughout the Company's designated areas: (a) voice-grade access to the public switched telephone network; (b) local

usage; (c) dual-tone multi-frequency signaling or its functional equivalent; (d) single-party service or its functional equivalent); (e) access to emergency services; (f) access to operator services; (g) access to interexchange service; (h) access to directory assistance; and (i) toll limitation for qualifying low-income consumers.

Dated this Lar day of July, 2010.	
	North Dakota RSA No. 3 Limited Partnership
	Dennis Hansel President, Red River Cellular, Inc., general partner of North Dakota RSA No. 3 Limited Partnership
State of North Dakota ) ss.	
County of CAVALLER )	
On this 137 day of July	, 2010, before me, a Notary Public in and for said
	Dennis Hansel, President, Red River Cellular, Inc.,
	4200
	Notary Public
	My Commission expires
	PERRY OSTER

Notary Public, State of North Dakota My Commission Expires September 14, 2011



### RECEIVED

August 3, 2010

406 94 2010

PUBLIC SERVICE COMMISSION

Andrew M. Carlson 612.977.8242 acarlson@briggs.com

#### VIA FEDERAL EXPRESS

Bismarck, ND 58505-0480

Executive Secretary
North Dakota Public Service Commission
600 East Boulevard – Dept. 408

Re: Annual 47 C.F.R. §§ 54.313 and 54.314 Certification of Badlands Cellular of North Dakota Limited Partnership

Dear Sir or Madam:

Enclosed for filing please find the Annual 47 C.F.R. §§ 54.313 and 54.314 Certification of Badlands Cellular of North Dakota Limited Partnership, filed consistent with the Commission's August 28, 2002 Order in Case No. PU-439-02-441 and the August 2, 2010 reminder letter from Patrick Fahn. The Certification consists of a sworn affidavit, executed by a corporate officer, certifying that the high-cost federal universal service support the Company will receive will be used only for the provision, maintenance and upgrading of facilities and services for which the support is intended.

An original, plus eight copies, of the Certification are enclosed. Please file-stamp one of the copies and return it to me in the enclosed self-addressed stamped envelope. Please contact me immediately if there are any questions about this filing.

Sincerely,

Andrew M. Carlson

auch M. Circ

AMC/sjc Enclosures

6 PU-10-476 Filed: 8/4/2010 Pages: 3
Certification of use of Federal Universal Services
Support

Badlands Cellular of North Dakota Limited Partnership

Andrew Carlson, Briggs & Morgan

Briggs and Morgan, Professional Association
Minneapolis i St. Paul I www.briggs.com
Member - Lex Mundi, a Global Association of Independent Law Firms

### AND BEFORE THE FEDERAL COMMUNICATIONS COMMISSION IN DOCKET NO. 96-45

#### **AFFIDAVIT OF**

BADLANDS CELLULAR OF NORTH DAKOTA LIMITED PARTNERSHIP
REGARDING CERTIFICATION OF USE OF FEDERAL UNIVERSAL SERVICE SUPPORT

- 1. Affiant is the corporate officer responsible for certifying the use of high-cost federal universal service support (hereinafter "Support") by Badlands Cellular of North Dakota Limited Partnership (hereinafter "Company").
- 2. The Company is an eligible telecommunications carrier within the meaning of Section 214(e) of the Federal Telecommunications Act of 1996 (hereinafter "Act"), and the Company is eligible to receive federal Support pursuant to Section 254(e) of the Act. By Order dated February 25, 2004, in Case No. PU-1225-03-600, the North Dakota Public Service Commission (hereinafter "NDPSC") designated the Company as an eligible telecommunications carrier. The Universal Service Administrative Company ("USAC") has assigned study area code ("SAC") 389009 to the Company.
- 3. Affiant is personally familiar with all of the Support to be received by the Company, and with how the Company will use all of the Support that it receives.
- 4. The Company is filing this affidavit in compliance with the Order of the Federal Communications Commission (hereinafter "FCC") dated May 23, 2001, in Docket No. 96-45 (FCC 01-157) (hereinafter "Order"), as codified in 47 C.F.R. §§ 54.313 and 54.314, which require certification to the FCC and USAC that all federal Support will be used by carriers within each state only for the provision, maintenance, and upgrading of facilities and services within which the support is intended, as required by Section 254(e) of the Act and 47 C.F.R. § 54.7. The Company is also filing this affidavit in compliance with the NDPSC's Orders concerning certification as to the use of federal Support, including the NDPSC's August 28, 2002 Order in Case No. PU-439-02-441. This affidavit is filed to facilitate the Company's receipt of federal Support for all four quarters of 2011.
- 5. The Company hereby certifies that the federal Support it receives will be used only for the provision, maintenance, and upgrading of facilities and services for which the Support is intended, pursuant to and consistent with Section 254(e) of the Act and 47 C.F.R. § 54.7. The Company will also use the Support to provide the following services or functionalities, as described in 47 C.F.R. § 54.101(a)(1)-(9), throughout the Company's designated areas: (a) voice-grade access to the public switched telephone network; (b) local

usage; (c) dual-tone multi-frequency signaling or its functional equivalent; (d) single-party service or its functional equivalent); (e) access to emergency services; (f) access to operator services; (g) access to interexchange service; (h) access to directory assistance; and (i) toll limitation for qualifying low-income consumers.

Dated this 15 day of July, 2010.	
	Badlands Cellular of North Dakota Limited Partnership  By Albert Grosz President, Badlands Cellular, Inc., General Partner of Badlands Cellular of North Dakota Limited Partnership
State of North Dakota )  County of Mercer )	
	, 2010, before me, a Notary Public in and for said ert Grosz, President, Badlands Cellular, Inc., general ta Limited Partnership.  Notary Public  My Commission expires
	JANE SCHRAMM Notary Public State of North Dakota My Commission Expires Sept. 6, 2012



August 3, 2010

### RECEIVED

Andrew M. Carlson 612.977.8242 acarlson@briggs.com

AUG 4 2010

#### **VIA FEDERAL EXPRESS**

**PUBLIC SERVICE COMMISSION** 

Executive Secretary
North Dakota Public Service Commission
600 East Boulevard – Dept. 408
Bismarck, ND 58505-0480

Re:

Annual 47 C.F.R. §§ 54.313 and 54.314 Certification of North Dakota 5 -

**Kidder Limited Partnership** 

Dear Sir or Madam:

Enclosed for filing please find the Annual 47 C.F.R. §§ 54.313 and 54.314 Certification of North Dakota 5 – Kidder Limited Partnership, filed consistent with the Commission's August 28, 2002 Order in Case No. PU-439-02-441 and the August 2, 2010 reminder letter from Patrick Fahn. The Certification consists of a sworn affidavit, executed by a corporate officer, certifying that the high-cost federal universal service support the Company will receive will be used only for the provision, maintenance and upgrading of facilities and services for which the support is intended.

An original, plus eight copies, of the Certification are enclosed. Please file-stamp one of the copies and return it to me in the enclosed self-addressed stamped envelope. Please contact me immediately if there are any questions about this filing.

Sincerely.

Andrew M. Carlson

anns M. Cure

AMC/sjc Enclosures

7 PU-10-476 Filed: 8/4/2010 Pages: 3
Certification of use of Federal Universal Services
Support

North Dakota 5 - Kidder Limited Partnership

Andrew Carlson, Briggs & Morgan

# AND BEFORE THE FEDERAL COMMUNICATIONS COMMISSION IN DOCKET NO. 96-45

# AFFIDAVIT OF NORTH DAKOTA 5 - KIDDER LIMITED PARTNERSHIP REGARDING CERTIFICATION OF USE OF FEDERAL UNIVERSAL SERVICE SUPPORT

- 1. Affiant is the corporate officer responsible for certifying the use of high-cost federal universal service support (hereinafter "Support") by North Dakota 5 Kidder Limited Partnership (hereinafter "Company").
- 2. The Company is an eligible telecommunications carrier within the meaning of Section 214(e) of the Federal Telecommunications Act of 1996 (hereinafter "Act"), and the Company is eligible to receive federal Support pursuant to Section 254(e) of the Act. By Order dated February 25, 2004, in Case No. PU-338-03-601, the North Dakota Public Service Commission (hereinafter "NDPSC") designated the Company as an eligible telecommunications carrier. The Universal Service Administrative Company ("USAC") has assigned study area code ("SAC") 389010 to the Company.
- 3. Affiant is personally familiar with all of the Support to be received by the Company, and with how the Company will use all of the Support that it receives.
- 4. The Company is filing this affidavit in compliance with the Order of the Federal Communications Commission (hereinafter "FCC") dated May 23, 2001, in Docket No. 96-45 (FCC 01-157) (hereinafter "Order"), as codified in 47 C.F.R. §§ 54.313 and 54.314, which require certification to the FCC and USAC that all federal Support will be used by carriers within each state only for the provision, maintenance, and upgrading of facilities and services within which the support is intended, as required by Section 254(e) of the Act and 47 C.F.R. § 54.7. The Company is also filing this affidavit in compliance with the NDPSC's Orders concerning certification as to the use of federal Support, including the NDPSC's August 28, 2002 Order in Case No. PU-439-02-441. This affidavit is filed to facilitate the Company's receipt of federal Support for all four quarters of 2011.
- 5. The Company hereby certifies that the federal Support it receives will be used only for the provision, maintenance, and upgrading of facilities and services for which the Support is intended, pursuant to and consistent with Section 254(e) of the Act and 47 C.F.R. § 54.7. The Company will also use the Support to provide the following services or functionalities, as described in 47 C.F.R. § 54.101(a)(1)-(9), throughout the Company's designated areas: (a) voice-grade access to the public switched telephone network; (b) local

usage; (c) dual-tone multi-frequency signaling or its functional equivalent; (d) single-party service or its functional equivalent); (e) access to emergency services; (f) access to operator services; (g) access to interexchange service; (h) access to directory assistance; and (i) toll limitation for qualifying low-income consumers.

North Dakota 5 - Kidder Limited Partnership

President, Central Dakota Cellular, Inc., general partner of Central Dakota Cellular of North Dakota Limited Partnership, general partner of

Dated this 15 day of July, 2010.

My Commission Expires Nov. 12, 2014

	North Dakota 5 - Kidder Limited Partnership
State of North Dakota )	
County of <u>foster</u> ) ss.	
County and State, personally appea Inc., general partner of Central Da	, 2010, before me, a Notary Public in and for said red Kathleen McCracken, President, Central Dakota Cellular, akota Cellular of North Dakota Limited Partnership, general
partner of North Dakota 5 - Kidder	Limited Partnership.
LORI SOLBERG Notary Public State of North Dakota	Notary Public My Commission expires // 12/2014



August 3, 2010

RECEIVED

AUG # 4 2010

Andrew M. Carlson 612.977.8242 acarlson@briggs.com

#### **VIA FEDERAL EXPRESS**

PUBLIC SERVICE COMMISSION

Executive Secretary
North Dakota Public Service Commission
600 East Boulevard – Dept. 408
Bismarck, ND 58505-0480

Re: Annual 47 C.F.R. §§ 54.313 and 54.314 Certification of North Central

RSA 2 of North Dakota Limited Partnership

Dear Sir or Madam:

Enclosed for filing please find the Annual 47 C.F.R. §§ 54.313 and 54.314 Certification of North Central RSA 2 of North Dakota Limited Partnership, filed consistent with the Commission's August 28, 2002 Order in Case No. PU-439-02-441 and the August 2, 2010 reminder letter from Patrick Fahn. The Certification consists of a sworn affidavit, executed by a corporate officer, certifying that the high-cost federal universal service support the Company will receive will be used only for the provision, maintenance and upgrading of facilities and services for which the support is intended.

An original, plus eight copies, of the Certification are enclosed. Please file-stamp one of the copies and return it to me in the enclosed self-addressed stamped envelope. Please contact me immediately if there are any questions about this filing.

Sincerely,

Andrew M. Carlson

auch M. Cure

AMC/sjc Enclosures

8 PU-10-476 Filed: 8/4/2010 Pages: 3
Certification of use of Federal Universal Services
Support

North Central RSA 2 of North Dakota Limited Partnership

Andrew Carlson, Briggs & Morgan

Briggs and Morgan, Professional Association
Minneapolis | St. Paul | www.briggs.com
Member - Lex Mundi, a Global Association of Independent Law Firms

### AND BEFORE THE FEDERAL COMMUNICATIONS COMMISSION IN DOCKET NO. 96-45

#### **AFFIDAVIT OF**

NORTH CENTRAL RSA 2 OF NORTH DAKOTA LIMITED PARTNERSHIP REGARDING CERTIFICATION OF USE OF FEDERAL UNIVERSAL SERVICE SUPPORT

- 1. Affiant is the corporate officer responsible for certifying the use of high-cost federal universal service support (hereinafter "Support") by North Central RSA 2 of North Dakota Limited Partnership (hereinafter "Company").
- 2. The Company is an eligible telecommunications carrier within the meaning of Section 214(e) of the Federal Telecommunications Act of 1996 (hereinafter "Act"), and the Company is eligible to receive federal Support pursuant to Section 254(e) of the Act. By Order dated February 25, 2004, in Case No. PU-386-03-598, the North Dakota Public Service Commission (hereinafter "NDPSC") designated the Company as an eligible telecommunications carrier. The Universal Service Administrative Company ("USAC") has assigned study area code ("SAC") 389006 to the Company.
- 3. Affiant is personally familiar with all of the Support to be received by the Company, and with how the Company will use all of the Support that it receives.
- 4. The Company is filing this affidavit in compliance with the Order of the Federal Communications Commission (hereinafter "FCC") dated May 23, 2001, in Docket No. 96-45 (FCC 01-157) (hereinafter "Order"), as codified in 47 C.F.R. §§ 54.313 and 54.314, which require certification to the FCC and USAC that all federal Support will be used by carriers within each state only for the provision, maintenance, and upgrading of facilities and services within which the support is intended, as required by Section 254(e) of the Act and 47 C.F.R. § 54.7. The Company is also filing this affidavit in compliance with the NDPSC's Orders concerning certification as to the use of federal Support, including the NDPSC's August 28, 2002 Order in Case No. PU-439-02-441. This affidavit is filed to facilitate the Company's receipt of federal Support for all four quarters of 2011.
- 5. The Company hereby certifies that the federal Support it receives will be used only for the provision, maintenance, and upgrading of facilities and services for which the Support is intended, pursuant to and consistent with Section 254(e) of the Act and 47 C.F.R. § 54.7. The Company will also use the Support to provide the following services or functionalities, as described in 47 C.F.R. § 54.101(a)(1)-(9), throughout the Company's designated areas: (a) voice-grade access to the public switched telephone network; (b) local

usage; (c) dual-tone multi-frequency signaling or its functional equivalent; (d) single-party service or its functional equivalent); (e) access to emergency services; (f) access to operator services; (g) access to interexchange service; (h) access to directory assistance; and (i) toll limitation for qualifying low-income consumers.

limitation for qualifying low-income consum	ners.
Dated this 1374 day of July, 2010.	
	North Central RSA 2 of North Dakota Limited Partnership  By Lennic Control Dennis Hansel President, North Central RSA 2, Inc., general partner of North Central RSA 2 of North Dakota Limited Partnership
State of North Dakota ) ) ss. County of Causier )	
On this 13 day of 3 way County and State, personally appeared Dergeneral partner of North Central RSA 2 of N	, 2010, before me, a Notary Public in and for said nmis Hansel, President, North Central RSA 2, Inc., lorth Dakota Limited Partnership.  Notary Public  My Commission expires
	PERRY OSTER  Notary Public, State of North Dakote My Commission Expires September 14, 2011